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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/481,207      | 01/11/00    | PHILLIPS             | J 40015630-003      |

HM12/0627

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EXAMINER

FAN, J

ART UNIT

PAPER NUMBER

1625

DATE MAILED: 06/27/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/481,207

Applicant(s)

Phillips

Examiner

Jane Fan

Group Art Unit

1625



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire one month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 1-20 are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-15 drawn to a proton pump inhibiting composition and method of using the same, classified in class 514, subclasses various. If this group is elected, an election of a single disclosed species ( a specific proton pump inhibitor without an added agent which could potentiate the the desired effect) of a composition is required.
- II. Claims 1-15, drawn to a composition containing a protin pump inhibitor and one agent for potentiating the desired effect by synergistic effect ( flavoring agent or anti-foaming agent are not included ), classified in classes 424, 514 , subclasses various. If this group is elected, an election of a single disclosed species ( a specific proton pump inhibitor and a specific potentiator ) of a composition is required.
- III. Claims 16-17, drawn to a kitfor the preparation of a proton pump inhibitor , classified in class 424, subclasses various.
- IV. Claims 21-22, drawn to one intravenously of administering PPI and one orally administering a potentiator, classified in class 514, subclasses various.If this group is elected, an election of a single disclosed species ( a specific proton pump inhibitor and a specific potentiator ) of a composition is required.

Claims 18-20 are very confusing. It appears to be a substantial duplicate of claims 1-3. Applicants are requested to clarifiy these claims.

The inventions are distinct, each from the other because:

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Different compositions in groups I-II,IV are distinct from each other since combination of compositions exhibit synergistic effects. Various proton pump inhibitors are chemically and structurally distinct from each other.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

The ABSTRACT are too long.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JANE FAN whose telephone number is (703) 308-4705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235.

JTF June 22, 2000

  
JANE FAN  
PRIMARY EXAMINER  
GROUP 1200